

Per California Code of Regulations, title 2, section 548.5, the following information will be posted to CalHR's Career Executive Assignment Action Proposals website for 30 calendar days when departments propose new CEA concepts or major revisions to existing CEA concepts. Presence of the department-submitted CEA Action Proposal information on CalHR's website does not indicate CalHR support for the proposal.

### A. GENERAL INFORMATION

1. Date

December 23,  
2022

2. Department

Consumer Affairs

3. Organizational Placement (Division/Branch/Office Name)

Bureau for Private Postsecondary Education

4. CEA Position Title

Administration/Licensing Chief

5. Summary of proposed position description and how it relates to the program's mission or purpose.  
(2-3 sentences)

The Administration/Licensing Chief will be responsible for directing, organizing, and evaluating the operations of the bureau's units associated with its approval/licensing and administration functions, including: licensing, quality of education, administration, student tuition recovery fund, and closed schools. The Administration/Licensing Chief plays an integral role in setting and influencing policy affecting not only the units under its purview but the bureau as a whole by spearheading the bureau's approach to licensing institutions and ensuring effective and compliant administrative operations. The CEA will be a second organizational level position reporting directly to the exempt Bureau Chief.

6. Reports to: (Class Title/Level)

Bureau Chief/Exempt

7. Relationship with Department Director (*Select one*)

- ☐ Member of department's Executive Management Team, and has frequent contact with director on a wide range of department-wide issues.
- ☒ Not a member of department's Executive Management Team but has frequent contact with the Executive Management Team on policy issues.

(*Explain*):

Although this CEA will not be a primary member of the department's executive management team, it will have an influential role on policy issues related to the bureau's licensing and administration functions. The exempt Bureau Chief serves as a member of DCA's executive team.

8. Organizational Level (*Select one*)

- ☐ 1st ☒ 2nd ☐ 3rd ☐ 4th ☐ 5th (mega departments only - 17,001+ allocated positions)

## B. SUMMARY OF REQUEST

### 9. What are the duties and responsibilities of the CEA position? Be specific and provide examples.

Under the administrative direction of the exempt Bureau Chief, the Administration/Licensing Career Executive Assignment (CEA) will serve as a member of the Bureau for Private Postsecondary Education's (Bureau) executive management team. The Administration/Licensing CEA will be relied upon by bureau executive staff to independently recommend policies, regulations, and legislation that will reflect the needs of the licensing, quality of education, administration, student tuition recovery fund, and closed school units of the bureau.

Specific duties include, but are not limited to:

- Direct, organize, and evaluate the operations of the bureau's administration and licensing units to ensure standards, processes, and performance expectations are achieved.
- Provide administrative direction to a Staff Services Manager II (SSM II) over the Administration division, the Education Administrator over the quality of education and licensing units, and the Staff Services Manager I (specialist) over regulations and legislation.
- Direct through subordinate staff the activities of the Administration/Licensing Division in order to carry out the bureau mission through policies, procedures, regulations, and business processes and directives.
- Propose to the exempt Bureau Chief recommendations for program changes to organize and maintain proper performance levels.
- Develop and implement strategies for focusing the bureau's licensing/approval work on institutions that pose the greatest risk to consumers while reducing timelines for compliant institutions.
- Provide oversight of the development of legislatively mandated reports and related projects.
- Implement new procedures to comply with legislatively mandated changes, court orders, program objectives, and changes in practices using change management strategies.
- Develop and maintain relationships with other regulatory and oversight agencies (including federal, state, and accrediting agencies) for the purpose of coordinated consumer protection.
- Develop training guidelines and professional development opportunities to ensure administration/licensing staff are apprised of activities outside of the bureau with relevance to their duties.
- Advise the exempt Bureau Chief of the impact or potential impact of proposed legislation.
- Manage bureau resources, in partnership with subordinate managers and staff, to ensure workload priorities and performance outcomes are met.

**B. SUMMARY OF REQUEST (continued)**

10. How critical is the program's mission or purpose to the department's mission as a whole? Include a description of the degree to which the program is critical to the department's mission.

- ☒ Program is directly related to department's primary mission and is critical to achieving the department's goals.
- ☐ Program is indirectly related to department's primary mission.
- ☐ Program plays a supporting role in achieving department's mission (i.e., budget, personnel, other admin functions).

Description: DCA's mission is to protect California consumers by providing a safe and fair marketplace through oversight, enforcement, and licensing of professions. The bureau regulates private postsecondary institutions to ensure that only those institutions operating in compliance with state law have approval to operate in the state. Currently, the bureau regulates nearly 1,800 locations (main campuses, branch campuses, and satellite locations) across California.

The Administration/Licensing Division's primary charge is to issue approvals to operate to private postsecondary institutions that meet minimum operating standards outlined in the Private Postsecondary Education Act and to monitor the quality of education provided to enrolled students. The Administration/Licensing Division is also directly responsible for ensuring the bureau operates effectively to facilitate efficient internal operations and to meet stakeholder needs. Through the administration of the Student Tuition Recovery Fund, the Administration/Licensing Division also provides financial relief to students harmed.

## **B. SUMMARY OF REQUEST (continued)**

11. Describe what has changed that makes this request necessary. Explain how the change justifies the current request. Be specific and provide examples.

Under the bureau's current leadership structure, established in 2010, all bureau programmatic units report to a Deputy Bureau Chief (CEA). Since that time, the bureau's mandates have increased substantially, and the size of the bureau's staff has more than doubled. The postsecondary education landscape has also become more complex, with federal regulations and accrediting agency standards evolving rapidly. With increased mandates in an increasingly complex landscape, it is no longer feasible to have all programmatic units report to one Deputy Bureau Chief. As a result, many policy decisions and much program oversight are being handled by the exempt Bureau Chief, compromising that individual's capacity for the highest levels of management and leadership.

The bureau is proposing an organizational restructure that splits the second-level management of the bureau into two CEA positions, both of which would report directly to the exempt Bureau Chief. This proposed modification to an existing CEA role, is to focus the existing position on Licensing and Administration responsibilities exclusively, and is offered in tandem with separate proposal to create a new CEA position over all Enforcement units.

Recent changes pertaining to the Administration/Licensing Division include, but are not limited to:

- Legislation granting the bureau the authority to determine to a greater extent which institutions fall under its jurisdiction. The bureau regulates institutions with a physical presence in California; however, the bureau does not have a definition for physical presence. SB 1433 additionally granted the bureau the authority to define a new category of physical presence, for those institutions with limited physical presence in the state, and create a separate registration process for those institutions. These new licensing-related authorities require a high-level of understanding of and coordination with other regulatory entities to maximize consumer protection.
- Rapid evolution of federal regulations. The continual revision of federal regulations governing federal financial aid programs (under Title IV of the Higher Education Act) creates fluctuations in how the private postsecondary education sector can operate and profit. The U.S. Department of Education is currently rewriting regulations with relevance to the bureau's approval requirements, including on topics of high visibility within California, including institutional changes in ownership and control. The bureau's Administration/Licensing Division needs to develop relationships and partnerships to ensure meaningful coordination with the federal government on issues related to institutional approvals.
- Legislation expanding the level of discretion given to the bureau in making determinations regarding which institutions can operate in the state. AB 1344 (2019) gave the bureau the authority to deny applications from out-of-state institutions seeking to register with the bureau, or to place conditions on an institution's registration, and SB 1433 (2022) gave the bureau the authority to deny applications from in-state institutions that are owned or controlled by individuals previously associated with disciplined institutions. Determining when and how to use this discretion requires a great level of judgment, knowledge, and coordination within and outside of the bureau.
- Launch of a new Business Modernization Platform. New methods for tracking administrative, licensing, enforcement, and annual reports information open up new possibilities for internal coordination and awareness. The Administration/Licensing Chief will be responsible for using new functionalities to improve the bureau's approach to all licensing and administrative matters, including meeting stakeholder needs.

### C. ROLE IN POLICY INFLUENCE

12. Provide 3-5 specific examples of policy areas over which the CEA position will be the principle policy maker. Each example should cite a policy that would have an identifiable impact. Include a description of the statewide impact of the assigned program.

The Administration/Licensing CEA's responsibilities will include, but not be limited to:

- Spearheading the Bureau's Approach to Regulation. In addition to operating within a rapidly evolving policy landscape, the bureau has not been well staffed to evolve its own policies through the regulatory process. As a result, the bureau has a backlog of regulations that need drafting or modification. With the bureau's legislative and regulatory work falling under the duties of the Administration Unit, the Administration/Licensing CEA will be responsible for ensuring the bureau becomes an effective and efficient regulatory agency.
- Revamping the Bureau's Approach to School Closure. Institutional closures, in which a school closed before its students are able to complete their programs, can be hugely disruptive and harmful for students. No two closures are identical, yet the bureau's policies and procedures for handling closures are currently one-size-fits-all. The Administration/Licensing CEA will be responsible for spearheading the bureau's regulatory and subregulatory efforts to ensure its work responding to institutional closure is properly calibrated and designed to minimize and mitigate consumer harm.
- Evolving the Bureau's Approach on Quality of Education. The bureau is tasked with ensuring that approved institutions provide quality education, and it has a team of Education Specialists with academic and professional backgrounds that allow for assessment of core components of educational quality. However, this unit has largely been focused on reviewing applications to operate and, at this point, a more bureau-wide approach to assessments of educational quality is needed. The Administration/Licensing CEA will be responsible for determining how to evolve the role of this unit to better protect consumers statewide.
- Licensing/Approval Subject Matter Expert. The Administration/Licensing CEA will serve in a policy influencing capacity by serving as subject matter expert on approval-related provisions of the Private Postsecondary Education Act, providing information and perspective on the promulgation of new regulations and the enactment of legislative proposals. This position will provide expert testimony before the Office of Administrative Law, the bureau's Advisory Committee, and the California Legislature on Licensing, Quality of Education, and related matters. The Administration/Licensing Chief will serve as the primary contact for the bureau for other approval agencies, inside and outside of the state, to increase comprehensive and coherent responses to problems while reducing redundancy.

### **C. ROLE IN POLICY INFLUENCE (continued)**

**13. What is the CEA position's scope and nature of decision-making authority?**

The Administration/Licensing Chief will have full delegated authority to act on behalf of the exempt Bureau Chief with respect to activities pertaining to approval and administrative-related activities, including licensing, quality of education, administration, student tuition recovery fund, and closed schools. The Administration/Licensing Chief interprets the laws and regulations governing private postsecondary education and provides guidance to staff, Advisory Committee members, and stakeholders including industry, consumer organizations, and the public. The Administration/Licensing Chief proposes solutions to problems identified through the course of the bureau's activities, implements them, and is responsible for their effectiveness.

**14. Will the CEA position be developing and implementing new policy, or interpreting and implementing existing policy? How?**

The Administration/Licensing Chief will be responsible for the highest level of policy development and implementation activities. The Administration/Licensing Chief will be responsible for implementing many new policies, including the integration of new mandates and authorities into existing workloads and designing and implementing a robust approach to approving institutions and assessing quality of education throughout the bureau's work. The Administration/Licensing Chief will also be responsible for monitoring the effectiveness of existing policy and working with the exempt Bureau Chief to make changes where warranted.